

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEVEN J. SKLAR (as IRA Account  
Beneficiary), on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D.  
LEWIS, JOHN A. THAIN, GARY A.  
CARLIN and NELSON CHAI,

Defendants.

**Electronically Filed**

Relates to securities class actions

Case No. 09 Civ. 0580 (DC)

[Additional captions on following pages]

**NOTICE OF MOTION AND MOTION OF THE PUBLIC PENSION  
FUNDS FOR: (1) APPOINTMENT AS LEAD PLAINTIFF; (2) APPROVAL  
OF THEIR CHOICE OF LEAD COUNSEL; AND (3) CONSOLIDATION OF  
ALL RELATED SECURITIES CLASS ACTIONS**

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FINGER INTERESTS NUMBER ONE LTD,  
on behalf of himself and all others similarly  
situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, JOHN A. THAIN,  
WILLIAM BARNET, III, FRANK P.  
BRAMBLE, SR., JOHN T. COLLINS, GARY  
L. COUNTRYMAN, TOMMY R. FRANKS,  
CHARLES K. GIFFORD, MONICA C.  
LOZANO, WALTER E. MASSEY, THOMAS  
J. MAY, PATRICIA E. MITCHELL,  
THOMAS M. RYAN, O. TEMPLE SLOAN,  
JR., ROBERT L. TILLMAN, JACKIE M.  
WARD, CAROL T. CHRIST, ARMANDO M.  
CODINA, JUDITH MAYHEW, VIRGIS W.  
COLBERT, ALBERTO CRIBIORE,  
AULANA L. PETERS, CHARLES O.  
ROSSOTTI, JOHN D. FINNEGAN, JOSEPH  
W. PRUEHER, ANN N. REESE,

Defendants.

Case No. 09 Civ. 0606 (DC)

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FORTH WORTH EMPLOYEES'  
RETIREMENT FUND and CITY OF MIAMI  
GENERAL EMPLOYEES' RETIREMENT  
TRUST, on behalf of themselves and all  
similarly situated investors,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 0638 (DC)

AVERS WEXLER, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D. LEWIS., O. TEMPLE SLOAN, JR., WILLIAM BARNETT, III, FRANK P. BRAMBLE, SR., JOHN T. COLLINS, GARY L. COUNTRYMAN, TOMMY R. FRANKS, CHARLES K. GIFFORD, MONICA C. LOZANO, WALTER E. MASSEY, THOMAS J. MAY, PATRICIA E. MITCHELL, THMAS M.RYAN, MEREDITH R. SPANGLER, ROBERT L. TILLMAN, and JACKIE M. WARD,

Defendants.

FRANK PALUMBO and JENNIFER PALUMBO as JTWRos and BRAD McMORRIS,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

CHARLES ZITNER, On Behalf of Himself and All Others Similarly Situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, KENNETH D. LEWIS, JOE L. PRICE, and JONATHAN ALEXANDER THAIN,

Defendants.

Case No. 09 Civ. 0720 (GBD)

Case No. 09 Civ. 0740 (DC)

Case No. 09 Civ. 0881 (DC)

FRED STABBERT and SHIRLEY  
STABBERT, Individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, JOHN A. THAIN,  
GARY A. CARLIN, and NELSON CHAI,

Defendants.

GARY WELIKSON, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 0928 (DC)

Case No. 09 Civ. 1463 (DC)

WEST PALM BEACH FIREFIGHTERS'  
PENSION FUND, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, JOE L. PRICE,  
JONATHAN ALEXANDER THAIN, NEIL  
A. COTTY, WILLIAM BARNETT, III,  
FRANK P. BRAMBLE, SR., JOHN T.  
COLLINS, TOMMY R. FRANKS, GARY L.  
COUNTRYMAN, CHARLES K. GIFFORD,  
WALTER E. MASSEY, THOMAS J. MAY,  
PATRICIA E. MITCHELL, THOMAS M.  
RYAN, O. TEMPLE SLOAN, JR.,  
MEREDITH R. SPANGLER, ROBERT L.  
TILLMAN, JACKIE M. WARD, BANC OF  
AMERICA SECURITIES LLC and MERRILL  
LYNCH, PIERCE, FENNER & SMITH  
INCORPORATED,

Defendants.

ELLEN K. FAUERBACH, Individually and on  
behalf of herself and all others similarly  
situated,

Case No. 09 Civ. 1612 (DC)

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D.  
LEWIS, JOHN A. THAIN, GARY A.  
CARLIN, and NELSON CHAI,

Case No. 09 Civ. 1941 (PKC)

Defendants.

NAOMI RAPHAEL, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 2350

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

The State Teachers' Retirement System of Ohio ("STRS Ohio"), the Ohio Public Employees' Retirement System ("OPERS"), the Teacher Retirement System of Texas ("Texas TRS"), Stichting Pensioenfonds Zorg en Welzijn, duly represented by PGGM Vermogensbeheer B.V. ("PGGM"), and Fjärde AP-Fonden ("AP4") (collectively, the "Public Pension Funds"), through their undersigned counsel, will and hereby do move this Court at such a date and time as may be designated by the Court, at the United States Courthouse, Courtroom 11A, 500 Pearl Street, New York, NY 10007, for an order: (1) consolidating the related securities class actions against Bank of America Corp. ("Bank of America") pursuant to Fed. R. Civ. P. 42(a); (2) appointing the Public Pension Funds as Lead Plaintiff in the related securities class actions pursuant to the Private Securities Litigation Reform Act of 1995; (3) approving their choice of Lead Counsel; and (4) granting such other and further relief as the Court may deem just and proper.

In support of this motion, the Public Pension Funds submit herewith a Memorandum of Law and Declaration of Frederic S. Fox dated March 23, 2009.

DATED: March 23, 2009  
New York, New York

Respectfully submitted,  
**KAPLAN FOX & KILSHEIMER LLP**

By: \_\_\_\_\_ /s/ Frederic S. Fox  
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*Proposed Co-Lead Counsel for the Proposed  
Lead Plaintiffs the Public Pension Funds and  
the Proposed Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 23, 2009, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF System which will electronically send notification of such filing to the registered participants and paper copies will be sent via first-class mail postage pre-paid to those indicated as non-registered participants on March 23, 2009.

\_\_\_\_\_  
/s/ Frederic S. Fox

Frederic S. Fox

March 23, 2009